

REMARKS

This paper is responsive to any paper(s) indicated above, and is responsive in any other manner indicated below.

PENDING CLAIMS

Claims 1-10 were pending, under consideration and subjected to examination in the Office Action. At entry of this paper, Claims 1-10 will remain pending for further consideration and examination in the application.

RESTRICTION/ELECTION REQUIREMENT - TRAVERSED

A restriction/election requirement has been made for the reasons beginning on page 3 of the Office Action. Applicant respectfully traverses based upon the following ground(s).

PRIOR PROSECUTION - NO SERIOUS BURDEN FOR EXAMINATION

As traversal, as pointed out in MPEP '803, if a search and an examination of an entire application can be made without serious burden, the Examiner must examine the application on the merits even though the application includes claims to distinct or independent inventions. Applicant's position is that it would not create a serious burden on the part of the USPTO to conduct a (CONTINUED) search and examination of the entire application, i.e., as evidence in support of such position, Applicant respectfully points out the fact that CLAIMS 1, 2, 4 AND 5 HAVE

ALREADY BEEN SEARCHED AND EXAMINED THROUGH NUMEROUS OFFICE ACTIONS ALREADY WITHOUT SERIOUS BURDEN, AS EVIDENCED BY VOLUMOUS PRIOR PROSECUTION, INCLUDING EXAMINATION OF CLAIMS 1, 2, 4 AND 5 WITHIN THE PRIOR OFFICE ACTION.

As further evidence, Applicant respectfully submits that even if one were to assume that Species 1-3 and Sub-Species A-C are valid species/sub-species, it is respectfully noted that claims 1, 2, 4 and 5 are readable on each of Species 1-3 and further on each of the Sub-Species A-C as follows:

Species 1: Claims 1, 2, 4 and 5

Species 2: Claims 1, 2, 4 and 5

Species 3: Claims 1, 2, 4 and 5

Sub-Species A: Claims 1, 2, 4 and 5

Sub-Species B: Claims 1, 2, 4 and 5

Sub-Species C: Claims 1, 2, 4 and 5

As no serious burden has been, or could be, shown, EXAMINATION OF ALL OF CLAIMS 1, 2, 4 AND 5 IS REQUIRED IN ACCORDANCE WITH THE CONTROLLING PROVISIONS OF MPEP '803.

Further, given that withdrawn claims 3 and 6-10 depend from base independent claim 1 and would be allowable in the event that base independent claim 1 becomes allowable, examination and/or consideration of withdrawn claims 3 and 6-10 upon allowance of claim 1 is respectfully requested.

PROVISIONAL ELECTION

In order to comply with the requirement, Applicant provisionally elects, with traverse, for prosecution on the merits, Species 3, and Sub-Species C, each including at least claims 1, 2, 4 and 5.

ALL CLAIMS IN CONDITION FOR ALLOWANCE

In view of the fact that none of the remaining claims has been rejected on a basis of prior art, it is respectfully submitted that all presently pending claims are in condition for allowance. A Notice of Allowance with respect to the present application is respectfully requested.

EXAMINER INVITED TO TELEPHONE

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter.

Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR 1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 503.39221CX1) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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